

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

URIEL J. ORTEGA,

Petitioner,

v.

WARDEN,

Respondent.

No. 2:23-cv-00570 KJM KJN P

ORDER

Petitioner, a federal prisoner proceeding pro se, filed an application for a writ of habeas corpus under 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 28, 2023, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

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1 . . .”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis. The court also notes plaintiff has not
3 responded to the findings and recommendations and plaintiff’s last action in this case was the
4 motion to proceed in forma pauperis, ECF No. 6, filed on May 12, 2023, which further supports
5 dismissal for failure to prosecute.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations filed September 28, 2023 are adopted in full;
- 8 2. This action is dismissed for failure to prosecute;
- 9 3. The Clerk of Court is directed to close this case; and
- 10 3. The court declines to issue the certificate of appealability referenced in 28 U.S.C.

11 § 2253.

12 DATED: December 28, 2023.

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16 CHIEF UNITED STATES DISTRICT JUDGE
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